

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Zavislan et al.

Serial No.: 09/579,599

Filed: May 26, 2000

For: MICROSCOPIC IMAGING APPARATUS AND METHOD (as amended)

Examiner: Farah, A.

Art Unit: 3739

Atty Docket: ML-0362C2

Asst. Commissioner of Patents
Washington, D.C. 20231



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TECHNOLOGY CENTER R3700

RESPONSE TO OFFICE ACTION DATED 10/11/01

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action of October 11, 2001, please consider the following remarks:

Remarks

A Second Preliminary Amendment was filed on July 12, 2001 for the above-identified Application which was not considered by the Examiner in the Office Action. For your convenience, a copy of this Second Preliminary Amendment is enclosed with a copy of the return postcard indicating receipt of the Preliminary Amendment by the Patent Office. The references on the Form PTO-1449 of the Fourth Supplemental Information Disclosure Statement submitted with the Second Preliminary Amendment were considered by the Examiner, as indicated by the copy of the PTO-1449 accompanying the Office Action. Entry of this Second Preliminary Amendment is requested, and a new non-final Office Action provided.

Upon entry of the amendments made in the Second Preliminary Amendment, Claims 27 and 34 should not stand rejected under 35 U.S.C. §102(a) as anticipated by the Koester Applied Optics Article, because both claims include the Claim 32 housing which is capable of being handheld. As the Examiner stated on page 3 of the Office Action, "Koester... does not specifically describe if the instrument is handheld". Thus, Claims 27 and 34, along with dependent Claims 28-31 and 33, are not anticipated by the Koester Article.

Claims 27-31 and 34 were rejected under 35 U.S.C. §102(b) by Harris (U.S. Patent No. 5,120,953). Claims 27 and 34 describe a window having a surface capable of being in a pressure